

Part 13

State School Board Candidates

20A-11-1301 School board office candidate -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.

- (1)
 - (a)
 - (i) Each school board office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.
 - (ii) A school board office candidate may:
 - (A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and
 - (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
 - (b) A school board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:
 - (i) a personal use expenditure; or
 - (ii) an expenditure prohibited by law.
- (2) A school board office candidate may not deposit or mingle any contributions or public service assistance received into a personal or business account.
- (3) A school board office candidate may not make any political expenditures prohibited by law.
- (4) If a person who is no longer a school board office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by Section 20A-11-1304 are filed with the lieutenant governor.
- (5)
 - (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is no longer a school board office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former school board office candidate to recognize the money as taxable income under federal tax law.
 - (b) A person who is no longer a school board office candidate may transfer the money in a campaign account in a manner that would cause the former school board office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- (6)
 - (a) As used in this Subsection (6), "received" means the same as that term is defined in Subsection 20A-11-1303(1)(a).
 - (b) Each school board office candidate shall report to the chief election officer each contribution and public service assistance received by the school board office candidate:
 - (i) except as provided in Subsection (6)(b)(ii), within 30 days after the day on which the contribution or public service assistance is received; or
 - (ii) within three business days after the day on which the contribution or public service assistance is received, if:

- (A) the school board office candidate is contested in a primary election and the contribution or public service assistance is received within 30 days before the day on which the primary election is held; or
- (B) the school board office candidate is contested in a general election and the contribution or public service assistance is received within 30 days before the day on which the general election is held.
- (c) For each contribution or provision of public service assistance that a school board office candidate fails to report within the time period described in Subsection (6)(b), the chief election officer shall impose a fine against the school board office candidate in an amount equal to:
 - (i)
 - (A) 10% of the amount of the contribution, if the school board office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (6)(b) ends; or
 - (B) 20% of the amount of the contribution, if the school board office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (6)(b) ends; or
 - (ii)
 - (A) 10% of the value of the public service assistance, if the school board office candidate reports the public service assistance within 60 days after the day on which the time period described in Subsection (6)(b) ends; or
 - (B) 20% of the amount of the public service assistance, if the school board office candidate fails to report the public service assistance within 60 days after the day on which the time period described in Subsection (6)(b) ends.
- (d) The chief election officer shall:
 - (i) deposit money received under Subsection (6)(c) into the General Fund; and
 - (ii) report on the chief election officer's website, in the location where reports relating to each school board office candidate are available for public access:
 - (A) each fine imposed by the chief election officer against the school board office candidate;
 - (B) the amount of the fine;
 - (C) the amount of the contribution to which the fine relates; and
 - (D) the date of the contribution.
- (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall disburse the contribution to:
 - (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (8)
 - (a) As used in this Subsection (8), "account" means an account in a financial institution:
 - (i) that is not described in Subsection (1)(a)(i); and
 - (ii) into which or from which a person who, as a candidate for an office, other than a school board office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
 - (b) A school board office candidate shall include on any financial statement filed in accordance with this part:

- (i) a contribution deposited in an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account; or
- (ii) an expenditure made from an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account.

Amended by Chapter 28, 2016 General Session

20A-11-1302 School board office candidate -- Financial reporting requirements -- Year-end summary report.

- (1)
 - (a) Each school board office candidate shall file a summary report by January 10 of the year after the regular general election year.
 - (b) In addition to the requirements of Subsection (1)(a), a former school board office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.
- (2)
 - (a) Each summary report shall include the following information as of December 31 of the previous year:
 - (i) the net balance of the last financial statement, if any;
 - (ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the previous year;
 - (iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;
 - (iv) a detailed listing of each receipt, contribution, and public service assistance since the last summary report that has not been reported in detail on an interim report;
 - (v) for each nonmonetary contribution:
 - (A) the fair market value of the contribution with that information provided by the contributor; and
 - (B) a specific description of the contribution;
 - (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
 - (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
 - (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and
 - (ix) the name of a political action committee for which the school board office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.
 - (b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
 - (c) A check or negotiable instrument received by a school board office candidate on or before December 31 of the previous year shall be included in the summary report.
- (3) The school board office candidate shall certify in the summary report that, to the best of the school board office candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 409, 2016 General Session

20A-11-1303 School board office candidate and school board officeholder -- Financial reporting requirements -- Interim reports.

- (1)
- (a) As used in this section, "received" means:
 - (i) for a cash contribution, that the cash is given to a school board office candidate or a member of the school board office candidate's personal campaign committee;
 - (ii) for a contribution that is a check or other negotiable instrument, that the check or other negotiable instrument is negotiated; or
 - (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.
 - (b) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-1301(1)(a)(i).
 - (c) Each school board office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:
 - (i)
 - (A) seven days before the political convention for the political party of the school board office candidate; or
 - (B) May 15, if the school board office candidate does not affiliate with a political party;
 - (ii) seven days before the regular primary election date;
 - (iii) September 30; and
 - (iv) seven days before the regular general election date.
 - (d) Each school board officeholder who has a campaign account that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the following times, regardless of whether an election for the school board officeholder's office is held that year:
 - (i)
 - (A) seven days before the political convention for the political party of the school board officeholder; or
 - (B) May 15, if the school board officeholder does not affiliate with a political party;
 - (ii) seven days before the regular primary election date for that year;
 - (iii) September 30; and
 - (iv) seven days before the regular general election date.
- (2) Each interim report shall include the following information:
- (a) the net balance of the last summary report, if any;
 - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
 - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
 - (d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
 - (e) for each nonmonetary contribution:
 - (i) the fair market value of the contribution with that information provided by the contributor; and
 - (ii) a specific description of the contribution;
 - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
 - (g) for each nonmonetary expenditure, the fair market value of the expenditure;

- (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
 - (i) a summary page in the form required by the lieutenant governor that identifies:
 - (i) beginning balance;
 - (ii) total contributions during the period since the last statement;
 - (iii) total contributions to date;
 - (iv) total expenditures during the period since the last statement; and
 - (v) total expenditures to date; and
 - (j) the name of a political action committee for which the school board office candidate or school board officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (3)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.
 - (b) Any negotiable instrument or check received by a school board office candidate or school board officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 28, 2016 General Session

Amended by Chapter 409, 2016 General Session

20A-11-1304 School board office candidate -- Financial reporting requirements -- Termination of duty to report.

- (1) Each school board candidate is subject to interim reporting requirements until the candidate withdraws or is eliminated in a primary.
- (2) Each school board office candidate is subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
 - (a) the school board office candidate is no longer receiving contributions and is no longer making expenditures;
 - (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-1301 is zero; and
 - (c) a final summary report in the form required by Section 20A-11-1302 showing a zero balance is attached to the statement of dissolution.
- (3) A statement of dissolution and a final summary report may be filed at any time.
- (4) Each school board office candidate shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by this section are filed.

Enacted by Chapter 355, 1997 General Session

20A-11-1305 School board office candidate -- Failure to file statement -- Penalties.

- (1)
 - (a) A school board office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
 - (b) If a school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(c)(ii) through (iv), the chief election officer shall, after making a reasonable

attempt to discover if the report was timely filed, inform the county clerk and other appropriate election officials who:

- (i)
 - (A) shall, if practicable, remove the name of the candidate from the ballots before the ballots are delivered to voters; or
 - (B) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
- (ii) may not count any votes for that candidate.
- (c) Any school board office candidate who fails to file timely a financial statement required by Subsection 20A-11-1303(1)(c)(ii), (iii), or (iv) is disqualified.
- (d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is not disqualified and the chief election officer may not impose a fine if:
 - (i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;
 - (ii) those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
 - (iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are corrected in:
 - (A) an amended report; or
 - (B) the next scheduled report.
- (2)
 - (a) Within 30 days after a deadline for the filing of a summary report by a school board office candidate, the lieutenant governor shall review each filed summary report to ensure that:
 - (i) each school board office candidate who is required to file a summary report has filed one; and
 - (ii) each summary report contains the information required by this part.
 - (b) If it appears that a school board office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the school board office candidate of the violation or written complaint and direct the school board office candidate to file a summary report correcting the problem.
 - (c)
 - (i) It is unlawful for a school board office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.
 - (ii) Each school board office candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
 - (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.
 - (iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a school board office candidate who violates Subsection (2)(c)(i).

Amended by Chapter 28, 2016 General Session